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FM AMEMBASSY BUENOS AIRES
TO RUEHC/SECSTATE WASHDC PRIORITY 3545
INFO RUEHBW/AMEMBASSY BELGRADE PRIORITY 0004
RUEHVJ/AMEMBASSY SARAJEVO PRIORITY 0004
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 0164
RUEHVB/AMEMBASSY ZAGREB PRIORITY 0037
RUEAIIA/CIA WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUCNFB/FBI WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

UNCLAS BUENOS AIRES 000411

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E.O. 12958: N/A

TAGS: [KAWC](#) [ICTY](#) [KJUS](#) [PHUM](#) [PGOV](#) [PREL](#) [BK](#) [SR](#) [AR](#)
SUBJECT: TRANSFER OF ICTY WAR CRIMES INDICTEE MILAN LUKIC

REF: A. 05 BUENOS AIRES 1949

[1](#)B. 05 BUENOS AIRES 2251

[1](#)1. Bosnian Serb war crimes indictee Milan Lukic was transferred to the ICTY from Argentina on February 20. Lukic had been detained in Buenos Aires on August 8, 2005, by Argentine authorities after meeting with his wife and youngest child in a local restaurant (reftels). Argentine Federal Judge Jorge Urso ordered the transfer after ruling the ICTY's indictment took precedence over an extradition request submitted to Argentina by the government of Serbia and Montenegro (SAM).

[1](#)2. In his written decision, Urso granted approval to both the ICTY request for transfer (solicitud de traslado y entrega) and the SAM extradition request. While acknowledging that the SAM government had met all the legal requirements for extradition (including the guarantee of a new trial for Lukic in place of his current conviction in absentia), Urso ruled the ICTY request was preeminent. In his decision, he noted he had received the concurrence of the SAM government in this decision as well as that of Lukic's local attorneys. The transfer order forbids the extradition of Lukic to any other country (apart from SAM following conclusion of the ICTY proceedings) without the authorization of the GOA. The legal decision notes that Lukic agreed to these terms on the express condition that he not be transferred to Bosnia and Herzegovina.

[1](#)3. Reftels available at
<http://www.state.sgov.gov/p/wha/buenosaires.>
GUTIERREZ